

02-28-03

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elazar Rabbani et al.

Serial No.: 09/439,594

Filed: November 12, 1999

For: DETECTING THE PRESENCE OF SPECIFIC
TARGET NUCLEIC ACID SEQUENCES
THROUGH STEM-LOOP FORMATION
(AS PREVIOUSLY AMENDED)

Group Art Unit: 1637

Examiner: Joyce Tung

527 Madison Avenue, 9th Floor
New York, NY 10022-4304
February 27, 2003

FILED BY EXPRESS MAIL

Commissioner for Patents
Washington, D.C. 20231

Box DAC

Attention: Office of Deputy Assistant Commissioner for Patents
2121 Crystal Drive, Crystal Park 2 - Suite 913
Arlington, Virginia 22202

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OFFICE OF PETITIONS

COMMUNICATION

**(DIRECTED TO APPLICANTS' MARCH 20, 2002 PETITION UNDER 37 C.F.R. §1.137(b) TO
REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION)**

Dear Sirs:

This Communication is directed to Applicants' Petition Under 37 C.F.R.
§1.137(b) that was previously filed on March 20, 2002. A copy of their March 20,
2002 Petition is attached to this Communication as Exhibit 1.

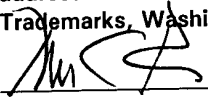
Enz-58(D1)

Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Page 2 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37
C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)
- February 27, 2003]

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	<u>EV086339717US</u>
Deposit Date	<u>February 27, 2003</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
	<u>FEB 27 2003</u>
Ronald C. Fedus	Date
Reg. No. 32,567	

Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Page 3 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)
– February 27, 2003]

As shown in the attached Petition (Exhibit 1), Applicants filed their Petition on March 20, 2002 to revive this application. The Petition included the following exhibits:

Terminal Disclaimer	Exhibit 1
Amendment Under 37 C.F.R. §1.115 (In Response To The December 20, 2000 Office Action)	Exhibit 2

Also included in the copy of Applicants' March 20, 2002 Petition filing papers (Exhibit 1) are the completed Express Mail Certificate Label No. EL 869104660US, the stamped and signed green return postcard, and the stamped white return postcard, the latter indicating that the Patent and Trademark Office received the papers on March 20, 2002.

In November 2002, the undersigned attorney's legal assistant telephoned Group 1600 to inquire as to the status of this application. The inquiry was prompted by the contemplated filing of several divisional applications that was carried out in the last couple of weeks in November 2002. His assistant was informed that this application was pending.

Since last year, and based upon the aforementioned telephone conversation, Applicants filed several divisional applications and they also filed several papers in connection with this application, including the following:

Information Disclosure Statement	January 22, 2003
Supplemental Amendment To Applicants' March 20, 2002 Amendment Under 37 C.F.R. §1.115	January 28, 2003
Second Information Disclosure Statement	February 7, 2003

Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Page 4 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37
C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)
- February 27, 2003]

On this date, the undersigned telephoned Examiner Joyce Tung, Group Art Unit 1656 (Telephone 703-305-7112) to inquire about this application. He was informed by Examiner Tung that the PTO computer showed that this application was still abandoned and had not been revived. A follow-up call to the clerk of Group 1600 confirmed the abandonment status of this application.

In view of their March 20, 2002 Petition (Exhibit 1), Applicants respectfully favorable action thereon so that further examination of this application can proceed.

No fee is believed due for this Communication, the sole purpose of which is to seek pending status for this application. In the event that any fee or fees are deemed due, however, The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for any such fee(s), or to credit any overpayment thereto.

Favorable action on this Communication and Applicants' previously filed March 20, 2002 Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

ENZO LIFE SCIENCES, INC.
(formerly named Enzo Diagnostics, Inc.)
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Telephone: (212) 583-0100
Fax: (212) 583-0150

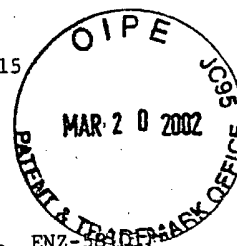


Please date stamp and return to addressee.

APPLICANT: ELAZAR RABBANI ET AL.	<input checked="" type="checkbox"/> Express Mail Label No. EL869104660US
TITLE: NOVEL SPECIFIC TARGET NUCLEIC ACID DETECTION AND AMPLIFICATION PROCESSES, AND COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE ENCLOSED ARE: COPIES OF SPECIFIC TARGET NUCLEIC ACID SEQUENCES	<input type="checkbox"/> First Class Mailing Date
<input type="checkbox"/> Application <input type="checkbox"/> Response to OA <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Amendment UNDER 37 CFR §1.115 <input type="checkbox"/> Drawings <input type="checkbox"/> Issue Fee <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Other (see below)	DATE MAILED: MARCH 20, 2002
<input checked="" type="checkbox"/> PETITION UNDER 37 CFR §1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION <input checked="" type="checkbox"/> TERMINAL DISCLAIMER	Serial No. ENZ-58(D1)
<input checked="" type="checkbox"/> TRANSMITTAL	Docket No. 09/439,594

Please date stamp and return to addressee.

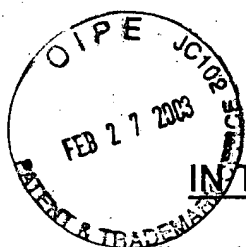
APPLICANT: ELAZAR RABBANI ET AL.	<input checked="" type="checkbox"/> Express Mail Label No. EL869104660US
TITLE: NOVEL SPECIFIC TARGET NUCLEIC ACID DETECTION AND AMPLIFICATION PROCESSES, AND COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE ENCLOSED ARE: COPIES OF SPECIFIC TARGET NUCLEIC ACID SEQUENCES	<input type="checkbox"/> First Class Mailing Date
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<input checked="" type="checkbox"/> TRANSMITTAL	Docket No. 09/439,594



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OFFICE OF PETITIONS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elazar Rabbani et al.

Serial No. 09/439,594

Group Art Unit: 1656

Filed: November 12, 1999

Ex'r: Joyce Tung

Title: NOVEL SPECIFIC TARGET NUCLEIC ACID DETECTION AND AMPLIFICATION
PROCESSES, AND COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE COPIES
OF SPECIFIC TARGET NUCLEIC ACID SEQUENCES

FILED BY EXPRESS MAIL

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

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OFFICE OF PETITIONS

Sir:

Transmitted herewith is an Amendment Under 37 C.F.R. §1.115 (In Response
To The December 20, 2000 Office Action) in the above-identified patent application.

The claim fee* has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total	121	Minus	59	=62	X 9	\$558
Indep	3	Minus	10	=0	X 42	\$ 0
()	First Presentation of Multiple Dependent Claims				+ 140	\$ 0
	TOTAL ADDITIONAL FEE					\$558

* Small entity status was previously established and is still applicable.

(X) Charge Deposit Account No. 05-1135 in the amount of \$558.00.

() A check in the amount of \$ _____ is attached.

(X) The Commissioner is hereby authorized to charge payment of the following
fees associated with this communication or credit any overpayment to Deposit
Account No. 05-1135 any filing fees under 37 C.F.R. §1.16 for the presentation of
extra claims and any patent application processing fees under 37 C.F.R. §1.17.

Copies are being provided in triplicate.

Enz-58(D1)


Elazar Rabbani et al.
Serial No.: 09/439,594
Filed: November 12, 1999
Page 2 [Transmittal -- March 20, 2002]

Also enclosed:

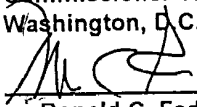
Petition To Revive An Unintentionally Abandoned
Application Under C.F.R. §1.137(b) (With Exhibits 1-2)

March 20, 2002
Date

Respectfully submitted,


Ronald C. Fedus
Registration No. 32,567
Attorney for Applicant(s)

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Tel. (212) 583-0100
Attorney's Docket No.: Enz-58(D1)

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Deposit Date:	<u>March 20, 2002</u>
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 Ronald C. Fedus Reg. No. 32,567	<u>MAR 20 2002</u> Date

Enz-58(D1)